IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 903 OF 2005

M/s. Mahalaxmi Tourism Development
Company Pvt. Ltd. & Ors. ... . Petitioners.

Versus

Pune Municipal Corporation & Ors. .... Respondents.

Mr. A. V. Anturkar with Mrs. Vinita V. Bakre-Shastry
for the Petitioners.

None for the Respondents.

CORAM: DALVEER BHANDARI, C.J. &

S. A. BOBDE, J.

DATED : FEBRUARY 24, 2005.

P.C. :

Looking to the peculiar facts of this case, we are disposing of this petition at the preliminary hearing without notice

to the respondents.

2. Learned Counsel appearing for the petitioners undertakes to deposit the entire octroi amount. He further undertakes to submit bank guarantee of a nationalised bank for the penalty amount to be paid to the Pune Municipal Corporation. On payment of the octroi amount and submission of bank guarantee for penalty, the vehicles in question shall be released.

3. We direct the Pune Municipal Corporation to give hearing to the petitioners and decide the question of payment of octroi and penalty finally after hearing the petitioners. We direct the petitioners to appear before the Commissioner, Pune Municipal Corporation on 7th March, 2005 at 11.00 A.M. If it is convenient to the Commissioner, he would give hearing to the petitioners on that date or at any other subsequent date and would decide the case of the petitioners after giving them opportunity of hearing.

4. The payment would be made by the petitioners under

protest.

5. No further directions are necessary. This petition is disposed of, accordingly.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.